



Food Safety and  
Inspection Service

Raleigh District Office

6020 Six Forks Road  
Raleigh, NC. 27609  
Voice: 919-844-8400  
Fax: 844-839-6360

June 8, 2020

**EMAIL / COURIER**

Mr. Ryan Ford (Owner)  
Seven Hills Abattoir, Est. M46877  
1803 Holiday Street  
Lynchburg, Virginia 24501

**REVISED NOTICE OF SUSPENSION**

Dear Mr. Ford,

This letter confirms the verbal notification given to you on June 5, 2020, at approximately 11:30am, by the Food Safety and Inspection Service (FSIS) Inspection Program Personnel (IPP) of the suspension of the assignment of inspectors for slaughter operations at Seven Hills Abattoir, Est. M46877, herein after referred to as “your establishment.” This action was initiated in accordance with Title 9 of the Code of Federal Regulations (9 CFR) 500.3, after FSIS determined that your establishment failed to slaughter and handle animals humanely.

**Background/Authority**

The Federal Meat Inspection Act (FMIA) (Title 21 of the United States Code {21 U.S.C.} 603 et seq.) provides that for the purpose of preventing the inhumane slaughtering of livestock, the Secretary shall cause to be made, by inspectors appointed for that purpose, an examination and inspection of the methods by which cattle, sheep, swine, goats, horses, mules, or other equines are slaughtered and handled in connection with slaughter in the slaughtering establishments inspected under this Act. The Secretary may refuse to provide inspection to a new slaughtering establishment or may cause slaughtering to be temporarily suspended at a slaughtering establishment if the Secretary finds that any cattle, sheep, swine, goats, horses, mules, or other equines have been slaughtered or handled in connection with slaughter at such establishments by any method not in accordance with sections 1901 to 1906 of Title 7 until the establishment furnishes assurances, satisfactory to the Secretary, that all slaughtering and handling in connection with slaughter of livestock shall be in accordance with such a method.

The Humane Methods of Slaughter Act of 1978 (7 U.S.C. 1901 et seq.) provides that Congress finds that the use of humane methods in the slaughter of livestock prevents needless suffering; results in safer and better working conditions for persons engaged in the slaughtering industry; brings about improvement of products and economies in slaughtering operations; and produces other benefits

for producers, processors, and consumers which tend to expedite an orderly flow of livestock and livestock products in interstate and foreign commerce. It is therefore declared to be the policy of the United States that the slaughtering of livestock and the handling of livestock in connection with slaughter shall be carried out only by humane methods.

### **Findings/Basis for Suspension**

#### **Incident 1:**

At approximately 8:50am on June 5, 2020, Inspection Program Personnel (IPP) observed a conscious animal on the rail. IPP observed a heifer that had been stunned, shackled, and hoisted, but which had not yet been stuck for bleeding. IPP observed the heifer breathing, exhibiting tracking eye movement, and lifting its head as if attempting to stand (i.e. the righting reflex). At this time, the associate immediately reloaded the 25-caliber hand-held captive bolt gun (HHCB) and delivered an effective stun to the back of the head/poll. Following the incident, IPP confirmed that the heifer had been stunned initially using the HHCB, but the stun placement was incorrect (i.e. to the left of center on the skull). A second hole at the poll of the animal indicated the placement of the second, effective stun attempt. The incident was deemed egregious because the animal was either ineffectively stunned and shackled while still conscious or was stunned effectively and regained consciousness after being shackled and hoisted. The decision was made to issue a Notice of Intended Enforcement (NOIE) in lieu of a Suspension because the establishment maintains a documented Systematic Approach which has been classified as robust, because of the establishment's history of compliance with humane handling regulations, and because of the immediate and effective corrective action that was administered after the conscious animal was identified. The establishment proffered immediate corrective actions and was allowed to resume slaughter operations. However, there was a second egregious humane handling incident related to stunning of livestock.

#### **Incident 2:**

At approximately 11:15am on June 5, 2020, IPP observed an establishment employee attempt to stun a beef cow using the 25-caliber HHCB. Following the initial stun attempt, the bolt of the HHCB became lodged in the skull of the cow and the cow remained standing. After attempts to dislodge the HHCB from the cow's skull, the employee asked if he should use the shotgun to re-stun the cow, and IPP instructed the employee to do so. The employee retrieved the backup 20-gauge shotgun and immediately administered an effective second stun, rendering the animal unconscious. IPP immediately took a regulatory control action and placed US Retain/Reject Tag # B3089971 on the knock box in accordance with 9 CFR 313.50(c) and notified the employee of the noncompliance. After discussion with Regional Veterinary Medical Officer (RVMO) and subsequent discussion with the Raleigh District Office (RDO), at approximately 11:30am inspection personnel notified the Production Supervisor of the Raleigh District Office's intent to issue a Notice of Suspension. Even though this second incident would not normally be considered egregious in nature, the fact that the establishment had an egregious stunning-related incident earlier in the day means that a

second failure of the stunning process calls into question the effectiveness of the systematic approach, and as such, precludes the consideration for regulatory discretion. The decision to issue an NOIE was voided, and this Suspension will serve to document both incidents that occurred.

These incidents are a violation of 9 CFR 313.15(a)(1) which states, in part, the captive bolt stunners shall be applied to the livestock to produce immediate unconsciousness in the animals before they are shackled, hoisted, thrown, cast, or cut. The animals shall be stunned in such a manner that they will be rendered unconscious with a minimum of excitement and discomfort. They are also a violation of 9 CFR 313.15(a)(3) which states, in part, that immediately after the stunning blow is delivered, the animals shall be in a state of complete unconsciousness and remain in this condition throughout shackling, sticking and bleeding. These incidents are considered egregious because one animal regained consciousness after being shackled and hoisted and because there were multiple incidents with the same root cause of stunning ineffectiveness.

The suspension action will remain in effect until you provide the Raleigh District Office with adequate written assurances, including corrective actions and further planned preventive measures, to assure that livestock at your establishment are slaughtered humanely. In order to resume inspected operations, you must submit corrective actions to my attention at the District Office. These corrective actions should include at a minimum the following:

1. Identify the assessment process used to determine the nature and cause of the noncompliances.
2. Identify what the assessment revealed as the likely cause of the system failure.
3. Describe the specific actions that will be taken to eliminate the cause of the failures.
4. Describe the future monitoring activities you will use to ensure that changes are implemented and are effective.

You are reminded that, as an operator of a federally inspected plant, you are expected to comply with FSIS regulations and to take appropriate corrective actions to prevent inhumane handling of livestock at your establishment. Please be advised that your failure to respond adequately to these issues may result in our initiating action to withdraw inspection from your establishment. Please also be advised that you have the right to appeal this matter.

In accordance with 9 CFR 500.5(a)(5), you may appeal this action by contacting:

U.S. Department of Agriculture  
Food Safety and Inspection Service  
Attention: Michael Watts  
Executive Associate for Regulatory Operations  
1400 Independence Avenue, SW  
Room 344-E, Whitten Building  
Washington, DC 20250

In addition, you may also request a hearing regarding this determination pursuant to FSIS' Rules of Practice (9 CFR 500.). The rules of Practice were published in the Federal Register, Vol. 64, No. 228, on November 29, 1999. As specified in Section 500.5(d), should you request a hearing, FSIS will file a complaint that will include a request for an expedited hearing. If you wish to request a hearing regarding this determination, you should contact:

Scott C. Safian, Director  
Food Safety and Inspection Service  
Office of Investigation, Enforcement and Audit  
Enforcement and Litigation Division  
Stop Code 3753, PPIII, Cubicle 9-235A  
1400 Independence Avenue, SW  
Washington, D.C. 20250  
Voice: (202) 418-8872  
Fax: (202) 245-5097

It is our hope that this matter can be resolved quickly. If you have any questions, you may call me at 919-208-2945 or contact me via email at [todd.furey2@usda.gov](mailto:todd.furey2@usda.gov). You may also contact Dr. Ariel Thompson, Deputy District Manager, at 919-208-2946. We urge your cooperation and voluntary compliance.

Sincerely,

**ARIAL**  
**THOMPSON**

Todd Furey  
District Manager  
Raleigh, NC

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THOMPSON  
Date: 2020.06.08 16:07:42  
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cc:

P. Bronstein, AA/FO

H. Sidrak, DAA/FO

M. Watts, EARO/FO

S. Safian, ELD/OIEA

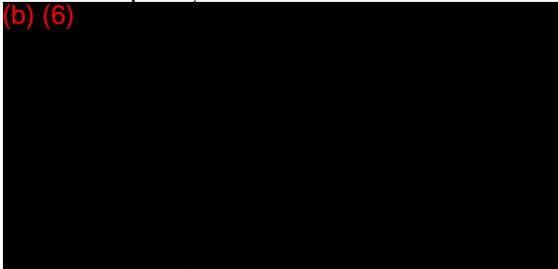
L. Hortert, RD/CID/OIEA

R. Murphy, DDM/RDO/FO

M. Roling, DDM/RDO/FO

A. Thompson, DDM/RDO/FO

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Quarterly Enforcement Report  
Establishment File (Est. M46877)